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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:05 CR 20185-001

VS. : JUDGE MINALDI

GABRIEL ROMAINE DARJEAN : MAGISTRATE JUDGE KAY

MEMORANDUM ORDER

IT IS ORDERED that the defendant's Motion for Payment of Transcript [doc. 41] IS DENIED.

28 U.S.C.A. § 753(f) states that:

(f) Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. He shall not charge a fee for any copy of a transcript delivered to the clerk for the records of court. Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. *Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).* The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States. (Emphasis added).

The defendant requests a free transcript at Government expense for his appeal, but he does not provide the court with the information necessary to determine that this appeal will not be

frivolous and presents a substantial question pursuant to 28 U.S.C.A. § 753(f), nor has an order been issued allowing his to proceed *in forma pauperis*.¹

Lake Charles, Louisiana, this 21 day of April, 2009.



PATRÍCIA MINALDI

UNITED STATES DISTRICT JUDGE

¹ The defendant has filed an incomplete Motion to Proceed *In Forma Pauperis* which has been denied by the court, although the defendant does have leave to perfect this motion.